## NC

Corpus callosotomies prove reductionism. **Parfit 84** writes[[1]](#footnote-1)

Some **recent medical cases provide striking evidence in favour of the Reductionist View.** Human beings have a **lower brain and** two **upper hemispheres**, which **are connected by a bundle of fibres.** In treating a few people with severe epilepsy, **surgeons have cut these fibres.** The aim was to reduce the severity of epileptic fits, by confining their causes to a single hemisphere. This aim was achieved. But the operations had another unintended consequence. **The effect**, in the words of one surgeon, **was the creation of ‘two separate spheres of consciousness.’ This effect was revealed by** various **psychological tests.** These made use of two facts. We control our right arms with our left hemispheres, and vice versa. And what is in the right halves of our visual fields we see with our left hemispheres, and vice versa. When someone’s hemispheres have been disconnected, **psychologists can thus present** to this person two different written **questions in the two halves of his visual field, and can receive two different answers** written by this person’s two hands.

In the absence of personal identity, only end states can matter. **Shoemaker 99**[[2]](#footnote-2)

Extreme reductionism might lend support to utilitarianism in the following way. Many people claim that we are justified in maximizing the good in our own lives, but not justified in maximizing the good across sets of lives, simply because each of us is a single, deeply unified person, unified by the further fact of identity, whereas there is no such corresponding unity across sets of lives. But if the only justification for the different treatment of individual lives and sets of lives is the further fact, and this fact is undermined by the truth of reductionism, then nothing justifies this different treatment. **There are no deeply unified subjects of experience. What remains are merely the experiences themselves, and so any ethical theory distinguishing between individual lives** and sets of lives **is mistaken.** If the deep, further fact is missing, then there are no unities. **The morally significant units should then be the states people are in at particular times, and an ethical theory that focused on them** and attempted to improve their quality, whatever their location, **would be the most plausible. Util**itarianism **is just such a theory.**

Thus the standard is **maximizing happiness**.

## CP

Counterplan Text: The USFG should designate all individuals in the United States below the poverty line as a “suspect class.”

The CP is key to prioritizing retribution without unfairly discriminating against the poor. Poverty is the root cause of inability to participate in society. **Datlof 12**[[3]](#footnote-3)

The second way to move toward a more coherent regime of punishment is somewhat less concrete, and relies heavily on ideas and arguments put forward in the United States Supreme Court case San Antonio Independent School District v. Rodriguez (1973). The plaintiffs in the case, Demetrio Rodriguez and several other citizens of his school district, claimed, “Texas’s system for financing public schools violated the equal protection clause of the Fourteenth Amendment because it discriminated on the basis of wealth.”20 The decision issued by the Supreme Court would focus on two initial questions: how to define a ‘suspect class,’ and whether education could be considered a fundamental right. **A suspect class is a group** of people that the **courts recognize as** particularly **likely to be subject to discrimination and thus deserving of special protection** in the eyes **of the law.**21 When granted the protection of suspect classification, the courts apply a standard of strict scrutiny in judging discrimination against the group. Strict scrutiny also is applied in any case where a fundamental right, particularly those enumerated in the Constitution, is violated. Applying a standard of strict scrutiny means that in order for a policy to be constitutional while treating the suspect class differently from other groups, it must be justified by a compelling governmental interest, be as narrowly tailored as possible toward achieving that interest, and use the least restrictive means available.22

[…]

Finally, although Justice Powell believed that classifying the poor as a suspect class was impossible, there are grounds to believe that it could and should have been done. The difficulty, Justice Powell suggests, stems from the fact that the group is “large, diverse and amorphous.”26 However, applying strict scrutiny to any class is difficult. There could be a minimum standard of wealth or access to education or living conditions that could be used as a proxy for severe and entrenched lack of opportunity that would afford certain individuals access to an additional level of legal protection. Just because fair treatment is difficult to administer does not make it justifiable to renege on a duty to provide it. Moreover, the specific reasons Justice Powell puts forth for refusing suspect classification to the poor are of questionable accuracy. He claims, “[the class of the poor] have none of the traditional indicia of suspectness: the class is not saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process.”27 The Rodriguez case, along with Murphy’ essay Marxism and Retribution, Rawls’s Theory of Justice, and endless empirical evidence show this to be false. **Those born in**to **poor households are less able to access** their **fundamental rights and** therefore exercise less **political power** than the average citizens. **They receive unequal treatment** that can be seen from the type of education they receive to the expertise of the lawyers that defend them in a court of law. Most importantly, **this is an historical inequity.** Just as AfricanAmericans, Hispanics and women have been deprived of equal treatment throughout long periods of American history, so too have those white Americans born into situations of financial destitution. While **offering the** poor the **protection of a suspect class** would be an imperfect solution, it **would alleviate** some of the **philosophical inconsistencies of applying retrib**utive punishment **in a capitalist**ic **society.** Although both retributive and utilitarian punishment theories have powerful arguments in their favor, both become difficult to defend at the margins. In their purest forms, utilitarians must defend an exclusively forward-looking system without any regard for desert of punishment whereas retributivists must defend an exclusively backward-looking system without any regard for the practical outcome. It is telling that while Bentham and Kant may have defended these extremes, modern policymakers do not speak in such universal terms. They recognize that, given the realities of the world that we live in and the inadequacies of even the best laid plans, the goal of creating an efficient and happy society for the majority does not outweigh the sacrifices that would be required of those who are left behind. Therefore, it is best to attempt to prevent individuals from falling behind in the first place, provide for those who have fallen behind, and in the meantime realize that in the marginal cases a balance of the theories of punishment is necessary in order to achieve acceptable outcomes.

## DA

US economic competitiveness is declining now. Investment in education is key.

**Cooper et al. 12**[[4]](#footnote-4)

**The** U.S. **economy is weakening relative to our global competitors.** Recent economic growth is 40 percent below any other growth period since World War II as other economies around the globe draw in more investment, both foreign and domestic. In contrast, despite still being the world’s leading recipient of direct foreign investment, business investment overall in the United States between 2001 and 2007 was the slowest in U.S. history. Meanwhile, competition is on the rise. From 1980 to 2011 **China increased** its share of world economic **output** from 2 percent to 14 percent. **And India more than doubled** its output during that period, from 2.5 percent of global production to 5.7 percent. The U.S. share of the world economy fell to 19 percent from 25 percent. While increasing global competition is inevitable, lackluster U.S. performance need not be. Indeed, rising growth and incomes in other countries present potential new opportunities and markets for American workers and companies. But if the United States means to continue to lead the world and to share our prosperity with it, U.S. policymakers must deploy an American strategy that is responsive to modern economic challenges—a strategy that makes it possible for every American family to ensure that children entering adulthood are prepared to find a successful place in the global economy. What should the strategy be? Economists of all stripes point to a robust pipeline of skilled workers as the essential ingredient of a strong and growing economy. Indeed, the two countries most rapidly gaining on the United States in terms of economic competitiveness—**China and India**—**have ambitious national strategies of** investing and **promoting** improved **education**al outcomes for children to strengthen their positions as contenders in the global economy. This is obviously a sweeping and complex topic, which we document in detail in the main pages of this report. But here is a brief summary of the report’s findings and recommendations. The U.S. competitiveness problem and the case for investing in children Competition from rapidly growing countries such as China and India are changing business norms and the links between national economies. We are quite familiar with what economists call “global labor arbitrage,” the substitution of high-wage workers in advanced economy countries with low-wage workers in developing economies. That’s led to a global re-ordering of production, jobs, and growth. More recently, **tech**nological **advances** in telecommunications and transportation, **as well as skills development in the developing world**, are **drag**ging more **U.S. industries**—including computer programming, high-tech manufacturing, and service sectors—**into international competition.** This development is feeding a mounting demand for high-skilled labor around the world. To position the United States for the future, substantial investments are needed in research, infrastructure, and education. The most important of these areas to address is education. Why? Because as this report shows, the **overwhelming** economic **evidence points to education**—and human capital investments, generally—**as the key driver**s **of** economic **competitiveness in the long term.** Harvard University economist Gregory Mankiw, for example, has shown that **in** advanced countries such as **the U**nited **S**tates, **human capital investment had three times the positive effect on economic growth as did physical investment.** And educational investment is particularly important in early childhood development and learning, according to growth economists. The return on investment from interventions such as prenatal care and early childhood programs is higher than for virtually any class of financial assets over time, according to Nobel Prize winning economist James Heckman. The academic literature also shows that failing to provide broad opportunities for nurturing, learning, and productive development harms economic growth and national competitiveness.

Rehab costs a lot of money long-term. **Forrest 11**[[5]](#footnote-5)

The theory of rehabilitation means that, at least in Maryland, every prisoner—even those serving life without parole—must have the chance to earn a GED. Since many are barely literate, in some cases that would be close to 12 grades of education. Rehabilitation also means drug abuse treatment, and countless classes in such things as parenting and anger management that are intended to turn people away from crime. Many institutions have production facilities such as metal, wood, and upholstery shops, where criminals get vocational training (and can find raw material for weapons). There is even an office technology program where inmates learn about computers. This **commitment to “rehab**ilitation**” means that** although Americans think they see realistic depictions of prison life in television programs, such as Lockup, there is a great deal they never see. Most taxpayers would be surprised to learn that some convicted murderers and rapists have televisions and Sony Play Stations in their cells. They would be surprised to learn that prisoners can subscribe to pornographic magazines. “Rehabilitation” does not end at the prison gates. When an inmate is released, **taxpayers** continue to **pay for** what is supposed to be a **transition** back **to civilian life. Released cons get new ID cards** issued by the Motor Vehicles Administration **and** duplicate birth certificates and **social security cards**. There is **also a whole range of services to help** prisoners with **job placement, medical treatment, and housing**. Federal law requires that inmates get one hour outside their cells every day, but it is only prisoners in administrative or disciplinary segregation who get no more than that (see “Integration at its Worst,” AR, Nov. 2009). In Maryland, everyone else gets two outdoor recreation periods of one or two hours, as well as an indoor rec period. Besides that, there are prison jobs that run from cooking to janitor work to plumbing and electrical repairs. And, of course, inmates get food, shelter, and medical care—**all provided at tremendous cost** to Maryland’s heavily burdened taxpayers. Needless to say, **none of this stops inmates from complaining** about their treatment**.** It makes no difference what they get from us; **they always want more. The thought that some** hard-working **stiff has to pay for it does not cross their minds.** It’s not enough to have cable television; they insist on certain channels. It’s not enough to have better medical care than many honest citizens on the outside; they want to tell the doctors how to treat them. Gratitude is alien to these people.

Criminal justice spending directly trades off with investment in education. Cost-effectiveness is key. **Ambrosio and Schiraldi 97[[6]](#footnote-6)**

4. Require a fiscal impact statement before implementing major crime policies. **C**riminal **j**ustice **spending must be cost-effective so it does not drain** resources **from** other vital programs like higher **education.** Unfortunately, over the last fifteen years, the massive **expansion of the c**riminal **j**ustice **s**ystem **has come at the expense of higher education**, and other programs. To ensure a better balance in criminal justice spending, all proposed changes in crime policy must be accompanied by a fiscal impact statement. This statement should be similar to a business plan. It should state how much the initiative will cost, how it will be paid for, and its expected rate of return. **Policy makers need to consider the entire budget when implementing crime policy** because a state that builds a new prison has less money to spend on education programs. The entire system must be evaluated when implementing costly crime policies. 5. Invest in the future of children, families and communities. We must not lose sight of the fact that our children, our families and our communities are the essence of America. Unfortunately, current criminal justice policies are detracting from our investments in the youth of America. As more prisons are built to house low-level nonviolent offenders, more children are denied access to higher education, unable to afford exorbitant tuition costs. **As** state **corrections budgets increase, investments in higher education decrease.** Current corrections policies are draining the lifeblood from America's youth. **We need an immediate shift in priorities** from funding prisons to funding higher education.

Empirics prove that competitiveness creates economic hegemony which solves global conflict. **Hubbard 10** writes[[7]](#footnote-7)

Research into the theoretical underpinnings of this topic revealed that there are two main subfields within the literature on hegemonic stability. One line of study, an avenue pursued by prominent theorists such as Kindleberger, Keohane, and Ikenberry focuses primarily on questions of related to the economic system. The other avenue, pursued by theorists such as Gilpin, looks at the role of hegemonic governance in reducing violent conflict. In my research, I focus on this aspect of hegemonic stability – its implications for military conflict in the international system. To research this question, I undertook a broad quantitative study that examined data from both the American and British hegemonic epochs, focusing on the years of 1815-1939 in the case of British hegemony, and 1945 to 1999 in the case of American hegemony. I hypothesized that hegemonic strength was inversely correlated with levels of armed conflict in the international system. Using the data from the Correlates of War Project, I was able to perform a number of statistical analyses on my hypothesis. To measure hegemonic strength, I used the Composite Index of National Capability, a metric that averages together six different dimensions of relative power as a share of total power in the international system. **I** then **matched this data with data cataloging all conflicts** in the international system **since 1815**. I organized this data into five-year increments, in order to make statistical analysis more feasible. **Regression** analysis of the data **revealed** that there was **a statistically significant negative correlation between** relative **heg**emonic power **and conflict** levels in the international system. However, further statistical tests added complications to the picture of hegemonic governance that was emerging. Regression analysis of military actions engaged in by the hegemon versus total conflict in the system revealed a highly positive correlation for both American and British hegemony. Further **analysis revealed** that in both cases, **military power was a less accurate predictor of** military **conflict than economic power**. There are several possible explanations for these findings. It is likely that economic stability has an effect on international security. In addition, **weaker hegemons are more likely to be challenged militarily** than stronger hegemons. Thus, the hegemon will engage in more conflicts during times of international insecurity, because such times are also when the hegemon is weakest. Perhaps the **most important** implication of this research **is that hegemons may well be more effective in promoting peace through economic power** than through the exercise of military force. II. Research Question In examining hegemonic stability theory, there are several important questions to consider. First of all, an acceptable definition of what constitutes a hegemon must be established. Secondly, a good measure of what constitutes stability in the international system must be determined. Certainly, the frequency and severity of interstate conflict is an important measure of stability in the international system. However, other measures of stability should also be taken into account. Conflict in the international system takes on a wide range of forms. While military conflict is perhaps the most violent and severe dimension, it is only one of many forms that conflict can take. Conflict need not be confined to wars between traditional states. Terrorism, piracy, and guerilla warfare are also types of conflict that are endemic to the international system. Economic conflict, exemplified by trade wars, hostile actions such as sanctions, or outright trade embargos, is also an important form of conflict in the international system. States can also engage in a range of less severe actions that might be deemed political conflict, by recalling an ambassador or withdrawing from international bodies, for example. Clearly, “stability” as it pertains to the international system is a vast and amorphous concept. Because of these complexities, a comprehensive assessment of the theory is beyond the purview of this research. However, completing a more focused analysis is a realistic endeavor. Focusing on international armed conflicts in two select periods will serve to increase the feasibility the research. I will focus on the period of British hegemony lasting from the end of the Napoleonic wars to 1939 and the period of American hegemony beginning after the Second World War and continuing until 1999, the last year for which reliable data is available. The proposed hypothesis is that in these periods, the **heg**emon **acted as a stabilizing force** by reducing the frequency and severity of international armed conflict. The dependent variable in this case is the frequency and severity of conflict. The primary independent variable is the power level of the hegemon. This hypothesis is probabilistic since it posits that the hegemon tended to reduce conflict, not that it did so in every single possible instance. One way to test this hypothesis would be through a case-study method that examined the role of Britain and the United States in several different conflicts. This method would have the advantage of approaching the problem from a very feasible, limited perspective. While it would not reveal much about hegemony on a broader theoretical level, it would help provide practical grounding for what is a highly theoretical area of stuffy in international relations. Another method would be to do a broader quantitative comparison of international conflict by finding and comparing data on conflict and hegemonic strength for the entire time covered by British and American hegemony. The hypothesis is falsifiable, because it could be shown that the hegemon did not act as a stabilizing force during the years of study. **It** also **avoids** some of **the pitfalls** associated **with the case study method, such as selection bias and** the inherently **subjective** nature of **qualitative analysis.**

## Case Answers

### Framework

1. Some people are hermits. We don’t have to care about social practice.

2. Social practice assumes that our obligations come from our social roles. If I win the util framework, it proves that obligations stem from individual happiness, so we don’t need to look to social roles.

3. Any reason why his framework is key to util offense is empirically denied 100 years over. We’ve had decades of retributive policies and society didn’t collapse.

4. All moral theories reduce to util. **Harris 10** writes[[8]](#footnote-8)

I believe that we will increasingly understand good and evil, right and wrong, in scientific terms, because moral concerns translate into facts about how our thoughts and behaviors affect the well-being of conscious creatures like ourselves. If there are facts to be known about the well-being of such creatures—and there are—then there must be right and wrong answers to moral questions. Students of philosophy will notice that this commits me to some form of moral realism (viz. moral claims can really be true or false) and some form of consequentialism (viz. the rightness of an act depends on how it impacts the well-being of conscious creatures). While moral realism and consequentialism have both come under pressure in philosophical circles, they have the virtue of corresponding to many of our intuitions about how the world works. Here is my (consequentialist) starting point: **all questions of value** (right and wrong, good and evil, etc.) **depend** up**on** the possibility of **experiencing such value. Without** potential consequences at the level of experience—**happiness**, suffering, joy, despair, etc. —**all talk of value is empty.** **Therefore, to say that an act is moral**ly necessary,or evil, or blameless, **is to make** (tacit) **claims about its consequences in the lives of conscious creatures (whether actual or potential).I am unaware of any** interesting **exception to this rule.** Needless to say, if one is worried about pleasing God or His angels, this assumes that such invisible entities are conscious (in some sense) and cognizant of human behavior. It also generally assumes that it is possible to suffer their wrath or enjoy their approval, either in this world or the world to come. Even within religion, therefore, consequences and conscious states remain the foundation of all values.

5. All social practices reduce to util. **Sanchez 11**[[9]](#footnote-9)

First of all, it must be realized that moral codes are human things. As Mises wrote, "The notion of right and wrong is a human device."[[8]](http://mises.org/daily/5683/In-Defense-of-Misess-Utilitarianism" \l "note8) Furthermore, moral codes, like all human devices, have a purpose for which they are made: **All moral rules** and human laws **are means for the realization of definite ends**. There is no method available for the appreciation of their goodness or badness other than to scrutinize their usefulness for the attainment of the ends **chosen** and aimed at.[[9]](http://mises.org/daily/5683/In-Defense-of-Misess-Utilitarianism" \l "note9) And the purpose for which moral codes are adopted is as a means for the attainment of ends that are only possible **through social cooperation**: for social utility: "The notion of right and wrong is … a utilitarian precept designed to make social cooperation under the division of labor possible."[[10]](http://mises.org/daily/5683/In-Defense-of-Misess-Utilitarianism" \l "note10) The sound utilitarian does not say the purpose of a moral code *should be* social utility. But rather **the purpose of moral codes are and always have been ultimately** social **utility.** In this way, utilitarianism, strictly speaking, is more about "meta-ethics" than "ethics." **If** thought **leaders realize that**, for example, **a** liberal **moral code** (both as a whole, and in its constituent parts) **is more** socially **expedient** than alternative codes, and they convince the general populace of that fact, **this** revolution in public opinion **would engender** a **revolution in the prevailing morality.** When a moral code is adopted in society, approbation and good will for following the code, as well as reprobation and ill will for violating it, become common. This approbation and reprobation also generally become internalized, forming the consciences of individuals. **Moral traditions can take on** a life of their own, and become quasi ends in themselves. For the sake of their transmission and perpetuation, they can also be buttressed by divine or **metaphysical pronouncements**, and adorned by ritual. **But** ultimately all **customs are human means, not** divine or **ultimate ends in themselves.** When making decisions that are covered by a moral code, **individual**s do not deliberate over the ultimate utilitarian considerations on which the code is based. Instead their **decision is immediately determined by social pressure** and conscience. However, **[but] that doesn't change the fact that the** ultimate **basis for** the **adoption of the moral code is utilitarian**, and that the ultimate, mediate cause of moral action is social utility. The role of the utilitarian social philosopher is not to parachute into ethical dilemmas and inform individuals which choice is in their enlightened self-interest. It is to inform individuals in their moments of sober reflection (when they are not caught up in an urgent crisis) which set of general rules is [are] in their enlightened self-interest.[[11]](http://mises.org/daily/5683/In-Defense-of-Misess-Utilitarianism" \l "note11) If the social philosopher is generally successful, those general rules will become integrated into the prevailing moral code. Once that moral code is adopted, it is the role not of social philosophers but of parents, mentors, peers, and conscience to make the prevalent morality effective on a daily basis.

Consistency with social practice reduces to util.

1. You have to be alive to have any social practices.

2. Extinction precludes membership to social practices and participation in social practices so it outweighs and turns his specific offense.

3. My framework proves that we shouldn’t look to specific social practices because they all collapse into one social practice of maximizing overall happiness.

Consistency with social practices also reduces to util on a meta-level because the role of policymakers engaged in the social practice of making laws is to create laws that maximize utility. Multiple reasons.

1. The state is an aggregate of people, so it has to weigh the interests of everyone in society.

2. The preamble to the constitution establishes that the state’s natural form is to provide for the general welfare.

3. The natural form of all beings is to exist, so extinction is a prerequisite.

4. The nature of the state forces it to aggregate. **Goodin 90**[[10]](#footnote-10)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first, the argument from necessity. **Public officials** are obliged to **make** their **choices under uncertainty**, and uncertainty **of a** very **special sort** at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, **[they] are** relatively **poorly informed as to the effects that their choices will have on individuals, one by one. What they** typically **do know are** generalities: **averages and aggregates. They know what will happen most often to most people** as a result of their various possible choices, **but that is all. That** is enough to **allow[s]** public **policy-makers to use** the **util**itarian calculus – assuming they want to use it at all – to chose general rules or conduct.

5. Extinction is the worst violation of the constitution which is the social practice of government. **Abraham Lincoln 64**[[11]](#footnote-11)

I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling. It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power. I understood, too, that in ordinary civil administration this oath even forbade me to practically indulge my primary abstract judgment on the moral question of slavery. I had publicly declared this many times, and in many ways. And I aver that, to this day, I have done no official act in mere deference to my abstract judgment and feeling on slavery. I did understand however, that **my oath to preserve the constitution** to the best of my ability, **imposed upon me the duty of preserving**, by every indispensabale means, that government — **that nation — of which that constitution was** the organic **law.** Was it possible to lose the nation, and yet preserve the constitution? By general law life and limb must be protected; yet often **a limb must be amputated to save a life;** but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the constitution, through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it. **I could not** feel that, to the best of my ability, I had even tried to **preserve the constitution, if**, to save slavery, or any minor matter, **I should permit the wreck of** government, **country, and Constitution all together.**

On the contention

1. TURN – rehab violates social practices. When someone breaks the law, they aren’t expressing inability to follow it. They are expressing unwillingness to participate in the social practice itself, so rehab violates the practice by forcing criminals to participate.

2. TURN – retribution is key to establish norms of social practice because if there were no punishment for violating social practice, there would be no reason to follow the rules of the practice. If basketball didn’t have punishments for breaking the rules, there would be no reason to follow the rules. This precedes ALL AC offense because it is a CONCEPTUAL REQUIREMENT of all social practices. The nature of “social practice” is only defined by the punishments that delineate what is and is not permitted within that practice.

3. TURN Rehab violates the social practice of following the constitution.

**Cesar 01**[[12]](#footnote-12)

Fifteen years later, **in the** U.S. **Supreme Court decision Mistretta v. United States, the court told us that "rehab**ilitation as a sound penological theory came to be questioned and, in any event, **was** regarded by some as **an unattainable goal for most cases." The decision goes on to cite a Senate Report** from 1984 **that explained the "outmoded rehab**ilitation **model" for federal** criminal **sentencing, and recognized that** the efforts of the criminal justice system to achieve **rehab**ilitation of offenders **had failed.**

4. Retribution is the best social practice in the context of criminal justice. It’s key to protect the innocent from overly harsh punishment.

**Murphy 2006**[[13]](#footnote-13)

**Given this** simple **characterization of retributivism** **as the injunction** that **the state should** **never** **intentionally punish the** legally **innocent,** it was thought fairly easy to show that consequentialism and retributivism are compatible indeed, that **consequentialism provides the best support for** the respectable core of **retributivism**. **The** general justifying **aim of punishment is** consequentialist to **control dangerous anti-social conduct** (this is the good consequence) **but we should employ this** coercive mechanism **only on the** legally **guilty**, never on the legally innocent. And **if one asks why**, then **the typical answer** given by both Rawls and sometimes Hart was consequentialist, a version of **rule-utilitarianism.** This Simply put, the argument was this**: a social rule** or practice **that would allow the** intentional **punishment of the** legally **innocent would**, in the long run, have many more bad than good consequences e.g., it would **prevent citizens from using the** criminal **law as a guide to their susceptibility to** state **coercion** and would thus **make citizens insecure with respect to** that **coercion.**

5. TURN Rehab masks abusive social practices. **Logan and Gaes 93** write[[14]](#footnote-14)

Proponents believe that rehabilitation programs reduce the harshness of imprisonment by softening and humanizing the prison environment. But what if this effect is more apparent than real? What if **prisons merely pay lip service to the ideal of rehab**ilitation **and create** what amounts to **a facade** of fine-sounding programs **that masks the harsh reality of doing time? Might this** approach not **reduce pressure** from the public **for real reform? A veneer of good intentions could undermine** the vigilance and the **restraint of power** that we need to maintain a system of just punishment. Rather than softening the pains of imprisonment, the rehabilitative goal may even add injustice to injury because it encourages individualized treatment, which undermines consistency and fairness. Individualized treatment requires discretion, which lends itself to abuse in the form of arbitrary and capricious distinctions. In pursuit of rehabilitation, offenders who have committed similar wrongs often are treated differently because of differences in personality, background, and social skills. Furthermore, when rehabilitative treatment is defined as an official goal of the agents and institutions of authority, then treatment, too, becomes paternalistic and authoritarian. The result is cynicism and resistance on the part of the intended beneficiaries. If our goal is to reform the conditions of life inside prisons, it is better to do so directly than under the rubric of rehabilitation. The direct approach has less chance of backfiring.

6. There is no unique offense to the aff. We can provide treatment for retributive reasons as part of humane punishment without intending rehab. This card is amazing. Separating treatment from rehabilitative ideology respects criminals while avoiding paternalism. **Logan and Gaes 93** write[[15]](#footnote-15)

Another way to preserve **treatment programs** for prisoners would be to justify them on grounds that would be relevant even if rehabilitation were not an official goal of the system. Many programs currently offered in prisons **could be separated from the** context and **vocab**ulary **of** "**rehab**ilitation," **and** could be **justified instead in the context** and with the vocabulary **of "confinement."** Despite a decline in official endorsement of the rehabilitative ideal, many corrections officials continue to endorse programs because of their normalizing effect on the prison environment, not because they believe in effecting a change in the inmates. In addition, many corrections officials endorse the view that some programs work for some inmates in the sense that those who want to change should receive the opportunity to change. Both of these goals— time spent constructively and the opportunity to acquire skills— still can be pursued without the baggage of the rehabilitative ideal. John DiIulio (1991:114) notes that most prison and jail administrators view correctional programs from what he calls an "institutional perspective." That is, they "evaluate programs not mainly in terms of what they do to reduce the likelihood of recidivism or otherwise affect inmates' post-release behavior but as institutional management tools.” DiIulio also suggests that **programs can be defended** in less utilitarian terms **simply as part of** what we mean by **humane conditions of confinement.** A "confinement model" of imprisonment (Logan 1991: ch. 1) would be a follow-up to the "justice model" of sentencing. The confinement model, like the justice model, is based on a purely retributive philosophy of punishment. In this philosophy, the essential purpose of imprisonment is to punish offenders–fairly and justly–through lengths of confinement proportionate to the seriousness of their crimes. Although confinement may serve other purposes in addition to justice and punishment, those are the necessary and sufficient conditions for justifying it. Thus the term confinement model may be regarded as a shorthand for a clumsier but more explicit label: the doing-justice-through-confinement-as-a-form-of-punishment model. **Under the confinement model, offenders are sent to prison as punishment, not for punishment. Thus, prisons** operated on this model **need not be harsh or internally punitive**, nor would they be insensitive to the welfare of prisoners. Coercive confinement carries an obligation to meet prisoners' basic needs at a reasonable standard of decency, so measures of health care, safety, sanitation, nutrition, and other aspects of basic living conditions are relevant. Furthermore, confinement must meet constitutional standards of fairness and due process, so not only effectiveness and efficiency, but also the procedural justice with which confinement is imposed, are important. In addition–and most relevant to this discussion–programmatic **activities** such as education, recreation, and work **can be viewed as part of the conditions of confinement, regardless of** their alleged effects on **rehab**ilitation. In short, confinement is much more than merely warehousing.

Here is a mission statement for a prison under the confinement model: “The mission of a prison is to keep prisoners–to keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy–and to do it with fairness, without undue suffering, and as efficiently as possible.” Many inmate programs currently offered in prisons–such as work, training, education, and recreation-can be justified under the heading of constructive activity ("keep them busy"). "Constructive" activity is not defined here as "contributing to the betterment of inmates" but as activity that is, on its face, consistent with the orderly, safe, secure, and humane operation of a prison. Idleness and boredom can be viewed as wrong from a work ethic standpoint, or as unnatural because human beings are not meant to be idle, or as so fundamentally related to mischief as to be undesirable for that reason. In any case, prison programs can be defended as forms of constructive and meaningful activity and as antidotes to idleness, without invoking claims of rehabilitative effectiveness. This is not to say that it does not matter whether the programs have any rehabilitative effects; it would be fine if they did so. But when we say that the primary purpose of prison is to punish through confinement, we become more interested in the operation of these programs inside the prison gates and less concerned about their effects beyond. It is the duty of prisons to govern fairly and well within their own walls. It is not their duty to reform, rehabilitate, or reintegrate offenders into society. Though they may attempt these things, it is not their duty even to attempt these goals, let alone their obligation to achieve them. Prisons ought not to impose upon themselves, by inclusion in a mission statement, any responsibility for inmates' future conduct, welfare, or social adjustment. These are primarily the responsibility of the offenders themselves, and perhaps secondarily a concern of some others outside the justice system. They should not be declared the official business of prisons.

7. Crime turns the case. If criminals recidivate, they haven’t returned to society to follow its practices.

Most recent empirics prove rehab increases crime. Aff meta-analyses don’t account for this study. **Lukenbill 10** writes[[16]](#footnote-16)

**Another recent** evaluation of a **major reentry effort making things worse: the S**erious and **V**iolent **O**ffender **R**eentry **I**nitiative, **funded at $100 million dollars**, which worked with criminals inside of prison and out, showed that results for the adult males revealed that the program actually made the problem worse. **“Cumulative rearrest rates were calculated** for 3, 6, 9, 12, 15, 21, and 24 months after release. SVORI program participants were less likely to have an officially recorded rearrest during the 24-month period after release. The differences were small and not significant for the men. … **By 24 months** post-release, **the** reincarceration **rate for** adult male SVORI program **participants was** about **8% higher** than the non-SVORI rate (42%, as opposed to 39%)” (p. 125)

Personal testimony proves that rehab fails. Any aff studies are wrong. The books are cooked. **Del Rosario 10**[[17]](#footnote-17)

**Jose Cortez, a[n]** recently-released **inmate** who served five months in Tehachapi State Prison in California, recalled the prison rehabilitation programs there: “We had classes for anger management, substance abuse, one for sexual predators, and others. The problem was that you had to sign up for them and there was a long waiting list. I was in there for five months and I never got entry into the substance abuse class.” Cortez, 23, is a rare exception to rehabilitation. Currently back in El Paso, he attributes his recovery to the strong support he has from his family. He **says** that a large part of **recidivism lies in** certain **factors** of prisoners’ lives **that the justice system can do very little**, if anything, **to control.** He refers to an anxiety of living a “normal life,” saying, “You try and go back to society and you get tired of the same thing. You find the easy way out. You make $1,500 selling dope. When you get out, there’s no luck finding a job.” Many prisoners, upon release, have no other choice but to return back to where they were before being incarcerated: the same environment, the same people, the same habits. During my tour of the Sanchez Unit, two prisoners acted as my and Lt. Quidachay’s chaperones. These men are his “gophers,” his right-hand men with the official title of “Special Support Inmates.” I was not allowed to ask their names or what they were in for. One of them did not speak English very well and kept quiet, while the other provided a consistent view of a prisoner’s reality with respect to environment: “The irony of the system is that prisoners are better in the system than when they’re out in society. It’s a controlled environment in here. Here, they’re healthier and drug-free.” Perhaps a counter-irony to that point is the perpetuation of gang life in prisons. “Some people join gangs because they need protection due to the crime they committed, some are snitches,” says Cortez of his experience with gangs in prison. Cortez, himself, is not gang-affiliated, but did get to know the workings of gangs from his time in prison. **“When you get out, you still have to do the gangs favors.** There’s communication within gangs inside and outside. You work for them until they say it’s over,” he says. According to Lt. Quidachay, there are 12 major gangs that the state of Texas deems as “security threats” and are monitored by the in-house Security Threat Group. These gangs include the Barrio Aztecas, Texas Syndicates, the Aryan Circle, and the Bloods among others. There are also lesser-monitored gangs, known in the Sanchez Unit as “clikas,” that consist of people brought together by region of origin. Lt. Quidachay estimates that “a good 75% of gang members will be back.” He also estimates that there should be about 15 to 20 new gang members who join in the Sanchez Unit annually. The prison environment, in addition to gang life, seems to generally affect prisoners negatively. “It’s a vicious circle. We have officers provoking the offenders and offenders provoking the officers. It just makes for a stressful environment,” says the Special Support Inmate. The first department I was taken on my tour was where they assigned incoming inmates their cells. Every inmate’s information was on a label that was put in a plastic keychain that was either white (Caucasians), blue (African-American), or orange (Hispanic). They do not simply assign inmates to rooms randomly. This is a security measure. “When you go to school, they teach you to tolerate people of all kinds,” says the SSI. “In jail, there’s no tolerance. There’s no diversity.” Cortez cites exposure to those knowledgeable to crime as another downfall of the prison environment’s supposed rehabilitative efforts. “You go in there with an Associate’s Degree in Crime and you leave with a Doctorate,” he says. “You learn a lot of crazy things in there. I’m not saying you end up doing them, but it’s in your head. You’re in there with the worst of the worst, and you learn from the best.” Outside the prisons walls, the world of prisoners on parole does not do much for rehabilitation either. Certainly, state-mandated **rehab**ilitation **programs are attended, but** the programs’ **efficiencies are hard to measure. “I’m ordered to go to AA three times a week,”** says Cortez. **“Most** of us **don’t go** because we really want to. **Lots** of them **go in the last 10 minutes** to have a piece of paper signed **to show their parole officer.”** “Speaking of parole officers, rehabilitation becomes a checklist,” says Dr. Theodore Curry, Associate Professor of Sociology at the University of Texas at El Paso, who teaches Criminology and conducts research in deviance, crime, and social control. “This checklist is not rehabilitation, it’s security.” The futility of rehabilitation in the justice system is a burden on taxpayers and the communities that departments of corrections and safety aim to keep safe. “Some criminals are just not interested in changing,” says Dr. Curry. “This does not make them good candidates, which makes rehabilitation programs a waste of time, money and effort.” “There is no rehabilitation,” says the SSI. “For some of these prisoners, their backgrounds are so engrained in them.” Most experts knowledgable with crime agree that the American justice system has been reduced to a gratuitously expensive system of punishment. Inefficiencies in funding have brought the responsibility of criminal justice to the private sector with the creation of private prisons. But to presume that privatizing prisons will make rehabilitation more effective is putting trust in the elusive Free Market to solve a problem as urgent and pervasive as crime. Public or private, the system merely prescribes momentary relief to the disease of punishment rather than curing it. Punishment is perspective, not change. “Change: it’s got to come from within,” says Detective Armando Fonseca, retired El Paso police officer, now working as a detective with the UTEP Police Department. “It’s having the want.”

Retribution solves best. Prop 8 proves – best controls for variables.

**Francis 08** writes[[18]](#footnote-18)

**California's Prop**osition **8**. Passed by popular referendum in 1982, this law **requires courts to lengthen the sentence of repeat offenders** in cases of willful homicide, forcible rape, robbery, aggravated assault with a firearm, and burglary of a residence. Kessler and Levitt find that the law requiring longer sentences has been effective in lowering crime. **Within** three years, crimes covered by the law fell an estimated 8 percent. **Seven years** after the law changed, these **crimes were down 20 percent.** In order to obtain these estimates, the authors collected data on crimes covered by Proposition 8 and on a set of crimes that was exempted from the law (burglary of a non-residence, aggravated assault without a firearm, simple assault, and larceny). **By comparing** California's **crime rates** for these two sets of crimes **before and after Prop**osition **8 to** rates in **the rest of the nation, they can isolate any causal effect of the law change.** Prior to the passage of Proposition 8, California's experience with the two sets of crimes mirrored that of the United States as a whole. Immediately after the law changed, crimes covered by Proposition 8 fell in California compared to the rest of the nation. Crimes not eligible under Proposition 8, however, showed no such pattern. The timing of the declines in crime also sheds light on the reasons why crime fell. The primary effect of Proposition 8 was to increase the sentence length of criminals who would have gone to prison even without the law. Thus, for the first few years after the law changed, it had no impact on the size of the prison population: everyone affected by the law would have been behind bars anyway. The authors argue that the immediate decreases in crime -- roughly half of the overall decline -- therefore must be attributable to deterrence. **Criminals, fearing** the **harsh**er **sentences** that awaited them, **reduced** their illegal **activity.** The fact that the impact of the law's change continued to grow steadily over time suggests that incapacitation also helped to reduce crime. Because convicted criminals were serving longer sentences, years after the law's change **they were still locked up, rather than** out on the streets **committing crime.** The results of this study are particularly relevant to the spread of "three-strikes laws" which entail extremely long sentences upon a third conviction of a crime. If criminals are effectively deterred by such laws, then it is possible that both the amount of crime and the number of prisoners can decline.

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